

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TYREE LAWSON,)	
)	
Plaintiff,)	Civil Action No. 17-97 Erie
)	
v.)	
)	
CO BARGER, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This prisoner civil rights action was received by the Clerk of Court on April 24, 2017 and was referred to the undersigned, then a United States Magistrate Judge, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Plaintiff's Amended Complaint (ECF No. [20]), the operative pleading in the case, was filed on December 5, 2017. On December 19, 2017, Defendants filed a motion to dismiss (ECF No. [21]), to which Plaintiff filed a response on January 8, 2018 (ECF No. [24]).

On September 14, 2018, the undersigned was sworn in as a United States District Judge. This action was reassigned to the undersigned, as presiding judge, on September 18, 2018. It was subsequently referred to United States Magistrate Judge Richard A. Lanzillo for all pretrial proceedings on September 27, 2018.

On October 12, 2018, Judge Lanzillo issued a Magistrate Judge's Report and Recommendation ("R&R") (ECF No. [29]) recommending that Defendants' motion to dismiss be granted. On October 29, 2018, Plaintiff filed Objections to the R&R (ECF No. [30]).

After *de novo* review of the Complaint and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 12th Day of December, 2018;

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (ECF No. [21]) is GRANTED, and the within action is DISMISSED, with prejudice, for failure to state a claim upon which relief can be granted. The report and recommendation of Magistrate Judge Lanzillo, issued on October 12, 2018 (ECF No. [29]), is adopted as the opinion of this Court.

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States District Judge

cc: TYREE LAWSON
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The Honorable Richard A. Lanzillo
United States Magistrate Judge